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JC973 U.S. PTO

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4470.P009
(maximum 12 characters)

First Named Inventor Deane Gardner, et al.

Title: INTEGRATING PERSONAL DATA CAPTURING FUNCTIONALITY INTO A PORTABLE COMPUTING DEVICE AND A WIRELESS COMMUNICATION DEVICE

Express Mail Label No. EL672750844US

JC973 U.S. PTO
09/15/241

01/08/01

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant Claims Small Entity Status. (37 CFR 1.27)
3. Specification (Total Pages 36)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawings(s) (35 USC 113) (Total Sheets 7)
5. Oath or Declaration (Total Pages 5)
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. Application Data Sheet. (37 CFR 1.76)
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. **Assignment Papers (cover sheet & documents(s))**

10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)

11. b. Power of Attorney

12. English Translation Document (if applicable)

13. a. Information Disclosure Statement (IDS)/PTO-1449

14. b. Copies of IDS Citations

15. **Preliminary Amendment**

16. **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**

17. Certified Copy of Priority Document(s) (if foreign priority is claimed)

18. **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**

19. Other: Certificate of Express Mail with copy of postcard showing contents of Express Mail package.

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: 09/476,142 Examiner Unassigned Group Art Unit 3736

(which is a continuation/ divisional/ CIP of prior application no. _____, which is a continuation/ divisional/ CIP of prior application no. _____) (List entire chain of priority)

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that SPORTBRAIN, INC. (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. 010496 Frame No. 0600 (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label 008791 (Insert Customer No. or Attach Bar Code Label here)
 or

Correspondence Address Below

NAME Marina Portnova

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): Marina Portnova Registration No.: 45,750
Signature: M. Portnova Date: January 8, 2001

FEE TRANSMITTAL FOR FY 2001

TOTAL AMOUNT OF PAYMENT (\$) \$918.00

Complete if Known:

Application No. UnassignedFiling Date UnassignedFirst Named Inventor Deane Gardner, et al.Group Art Unit UnassignedExaminer Name UnassignedAttorney Docket No. 4470.P009

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed: Check
 Credit Card
 Money Order
 Other

FEE CALCULATION

1. BASIC FILING FEE

<u>Large Entity</u>	<u>Small Entity</u>				
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
101	710	201	355	Fee Description	
106	320	206	160	Utility application filing fee	<u>355.00</u>
107	490	207	245	Design application filing fee	
108	710	208	355	Plant filing fee	
114	150	214	75	Reissue filing fee	
				Provisional application filing fee	

SUBTOTAL (1) \$ 355.002. EXTRA CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims <u>47</u>	<u>- 20** = 27</u>	<u>X 9</u>	<u>= 243.00</u>
Independent Claims <u>11</u>	<u>- 3** = 8</u>	<u>X 40</u>	<u>= 320.00</u>
Multiple Dependent			<u>=</u>

**Or number previously paid, if greater; For Reissues, see below.

<u>Large Entity</u>	<u>Small Entity</u>				
Fee	Fee	Fee			
Code	(\$)	Code	(\$)		
103	18	203	9	Fee Description	
102	80	202	40	Claims in excess of 20	
104	270	204	135	Independent claims in excess of 3	
109	80	209	40	Multiple dependent claim, if not paid	
110	18	210	9	**Reissue independent claims over original patent	
				**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$ 563.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
105	130	205	Surcharge - late filing fee or oath
127	50	227	Surcharge - late provisional filing fee or cover sheet
139	130	139	Non-English specification
147	2,520	147	For filing a request for ex parte reexamination
112	920*	112	Requesting publication of SIR prior to Examiner action
113	1,840*	113	Requesting publication of SIR after Examiner action
115	110	215	Extension for reply within first month
116	390	216	Extension for reply within second month
117	890	217	Extension for reply within third month
118	1,390	218	Extension for reply within fourth month
128	1,890	228	Extension for reply within fifth month
119	310	219	Notice of Appeal
120	310	220	Filing a brief in support of an appeal
121	270	221	Request for oral hearing
138	1,510	138	Petition to institute a public use proceeding
140	110	240	Petition to revive – unavoidable
141	1,240	241	Petition to revive - unintentional
142	1,240	242	Utility issue fee (or reissue)
143	440	243	Design issue fee
144	600	244	Plant issue fee
122	130	122	Petitions to the Commissioner
123	130	123	Petitions related to provisional applications
126	180	126	Submission of Information Disclosure Stmt
581	40	581	Recording each patent assignment per property (times number of properties)
146	710	246	For filing a submission after final rejection (see 37 CFR 1.129(a))
149	710	249	For each additional invention to be examined (see 37 CFR 1.129(b))
179	710	279	Request for Continued Examination (RCE)
169	900	169	Request for expedited examination of a design application

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 00.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Marina PortnovaSignature: M. Portnova Date: January 8, 2001Reg. Number: 45,750 Telephone Number: (408) 720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)First Named Inventor Deane Gardner, et al.Title INTEGRATING PERSONAL DATA CAPTURING FUNCTIONALITY INTO A PORTABLE COMPUTING DEVICE AND A WIRELESS COMMUNICATIONAttorney Docket No. 4470.P009

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 8, 2001

Date



Signature

Marina Portnova

Typed or Printed Name

45,750

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application.

Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231